

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

STEVEN R. NAHOOPII,)	Civ. No. 09-00282 ACK-BMK
)	
Plaintiff,)	
)	
vs.)	
)	
DEPARTMENT OF PUBLIC SAFETY,)	
STATE OF HAWAII,)	
)	
Defendant.)	
_____)	

ORDER REGARDING PLAINTIFF'S JANUARY 4, 2010, LETTER

On August 24, 2009, the Court entered judgment in this case, dismissing the action with prejudice without leave to amend. On August 31, 2009, Plaintiff filed a notice of appeal. On September 1, 2009, Plaintiff filed a "NOTICE TO DISMISS AN APPEAL" in this Court, explaining that he moved "to dismiss his Notice of Appeal." On September 1, 2009, the Court transmitted a copy of the notice to the Ninth Circuit. On September 18, 2009, the Ninth Circuit entered an order stating that Plaintiff's "motion for voluntary dismissal of this appeal, filed in the district court on September 1, 2009, is granted."

On January 5, 2010, the Court received a letter from Plaintiff stating that he "did not voluntarily dismiss[] [his] appeal on September 1, 2009." He asks the Court "to give [him] another chance to appeal [his] case again." The letter is

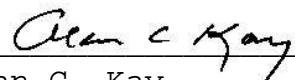
addressed to the attention of Molly C. Dwyer, Clerk of Court for the Ninth Circuit.

The basis for Plaintiff's request to be given another opportunity to appeal is that he did not dismiss his case voluntarily. Plaintiff's claim that he did not voluntarily dismiss his appeal should be addressed to the Ninth Circuit. The Court therefore directs the Clerk of Court to transmit a copy of Plaintiff's letter to the Ninth Circuit.

IT IS SO ORDERED.

Dated: Honolulu, Hawai'i, January 7, 2010.





Alan C. Kay
Sr. United States District Judge

Nahoopii v. Dep't of Public Safety, State of Hawaii, Civ. No. 09-00282 ACK-BMK: Order Regarding Plaintiff's January 4, 2010, Letter